



FEB 03 2006

Attorney's Docket No.: 042390.P10783

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
James P. Kardach )  
Application No.: 09/821,347 )      Examiner: Shah, Niles R.  
Filed: March 29, 2001 )      Art Unit: 2195  
For: Method And Apparatus For Processing )  
Real-Time Events Associated With A )  
Wireless Communication Protocol )  
\_\_\_\_\_  
)

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF FINALITY OF**  
**OFFICE ACTION AND REFUND OF PAYMENT OF RCE FEES**

Sir:

In response to the Final Office Action mailed October 31, 2005, Applicant respectfully requests the Examiner to reconsider the finality of the Final Office Action mailed October 31, 2005 and withdraw the finality.

Applicants filed an RCE on August 15, 2005 with an Amendment and Response to Office Action in which claim 1 was amended to clarify that the first portion of the processor comprises a real-time event circuit to initiate execution of a real-time event handler. Applicants also amended independent claims 14, 19 and 20 to clarify that during the processing of the event, the wireless communication protocol is maintained and a high-level portion of baseband processing associated with the wireless communication protocol is performed by the processor independent of the operating system."

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The Examiner pointed to no teaching in the cited art for the limitations added to independent claims 14, 19 and 20 in the Final Office Action mailed on October 31, 2005.

In addition, arguments were made to the effect that the cited art, and, in particular, Bollella does not teach a processor having a first portion to process real-time events and a second portion to process non real-time events. The Examiner, however, appears to have misinterpreted Applicants' argument to mean that Bollella does not teach a processor and that Bollella and Brown do not teach the use of real-time and non real-time events. It is clear from the pending claims and the arguments made in both the Amendment and Response to Office Action mailed on August 15, 2005 and the accompanying Amendment and Response to Office Action that this is not Applicants' argument.

Applicants respectfully submit that they have made a good faith effort to define the invention in the claims and clearly distinguish the currently pending claims from the cited art. Thus, Applicants respectfully submit that the finality of the Office Action mailed October 31, 2005 was premature and request withdrawal of the finality of the Office Action.

As Applicants have responded to the Final Office Action by filing a RCE to avoid abandonment and unnecessary extension fees, Applicants also request a refund of the fees associated with the filing of the RCE.

The Examiner is invited to contact Marina Portnova at (408) 720-8300.

#### **DEPOSIT ACCOUNT AUTHORIZATION**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby

requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: January 31, 2006

  
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